

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2006**

**WRANGELL-ST. ELIAS NATIONAL PARK AND PRESERVE**

**PREAMBLE**

The proposed compendium was available for comment from January 1 – February 15, 2006. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, from one individual, and general comments from the State of Alaska

**GENERAL COMMENTS**

**Determinations**

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) adopted this suggestion from the State for all Alaska parks' 2005 compendium and will continue this practice. Lengthier determinations are attached to the compendium, either in the document itself or as a separate attachment. Shorter determinations accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

**Use of state law**

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

**Compendiums as educational tools**

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the

compendiums is to serve as a compilation of designations, closures, openings and other restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

### **Converting compendium entries into regulation**

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

## **36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS**

### **2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water**

The State of Alaska suggested two alternative ways of wording this entry. The NPS adopted one of the State's suggested entries.

### **2.10(d) Food storage – designated areas and methods**

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS believes that some parks may be able to narrow the scope of where food storage is required, but recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. As an example, both Lake Clark and Kenai Fjords limited the geographical scope of the requirement in last year's compendiums. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue.

The State also requested that parks that offer Bear Resistant Containers free of charge notify the public of this in the compendium. The NPS adopted this recommendation in the 2005 compendiums.

NPCA/TWS/ACE commented that NPS regulations in 36 CFR 2.2 are inconsistent with allowing bear baiting as a lawful hunting means under state law. The NPS appreciates the comment and understands the regulations are complex, but we do not believe the enforcement of these regulations is inconsistent.

### **2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes**

The State of Alaska suggested adding the existing regulatory exception to sleds towed behind a snowmobile with a rigid hitching mechanism.

The language of the compendium reflects the language in the regulation. Because the regulation expressly exempts sleds designed to be towed behind snowmobiles and joined with a rigid hitching mechanism, the NPS does not believe this addition is necessary.

**13.17(e)(4)(i) Designating existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

The State requested parks consider whether specific park cabins are routinely used for subsistence purposes during particular times of the year and designate those cabins.

The NPS agrees with this approach for subsistence purposes. However, parks will continue to address the issue of designating cabins for subsistence uses on a park-by-park basis. Many parks may choose to manage cabins as a shared resource between subsistence and other public uses.

**13.21(e) Temporary closures to the taking of fish and wildlife**

The State commented that the NPS should also reference the federal subsistence regulations in this section as they apply to Preserve lands and recommended language.

The NPS does not believe the federal subsistence regulations should be referenced under 13.21(e). We interpret 13.21(b) and (d) to apply only to the taking of fish and wildlife for other than subsistence.

**13.46 Access by local rural residents engaged in subsistence**

The State recommends working with local residents to rehabilitate, harden, or relocate the closed trails and if necessary, promulgate regulations closing the route.

The closed trails were created without the appropriate environmental and cultural review process. They cannot be hardened or relocated without an environmental impact study and the appropriate cultural resource review. The park has requested funding to initiate an Environmental Impact Study on the effected trails and on other trails in the vicinity. The EIS process when initiated would involve the local residents. A regulatory closing would foreclose any possibility of hardening the trails and would be premature without the appropriate EIS.

**13.73(e) Kennecott Mines National Historic Landmark and developed areas: closures and restrictions**

The State commented on wording in the Executive Summary. The park will consider this for the 2007 proposed compendium Executive Summary.

One individual expressed concerns regarding the use of firearms on nonfederal lands in the Kennecott area that are within or adjacent to the boundaries of the park. The park appreciates the commenter's concerns for safety and will work with the Alaska State Troopers to address incidents on private lands.

**43 CFR 36.11(g)(1) ORV's on existing trails**

The State commented that most parks do not have designated trails and requested that the NPS designate trails, where appropriate.

The NPS continues to evaluate current ORV use in park units and access needs. Wrangells, for example, has requested funding for environmental assessments. Any authorization for ORV use in Alaska park areas will proceed in accordance with applicable federal law, including the National Environmental Policy Act.

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National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Wrangell-St. Elias National Park and Preserve, Copper Center, Alaska at (907) 822-7210 for questions relating to information provided in this compendium.*

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

The Commissioner's Cabin and Women's Jail Cabin at Chisana, the Operations Center, and Cook Cabin at May Creek, and the Freed Property research camp in Slana are restricted to administrative use, and not available to the general public.

See also 13.73 for the Headquarters/Visitor Center Developed Area.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

**(a)(2) Designated areas for specific use or activity or conditions**

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

**1.6(f) Compilation of activities requiring a permit**

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)

- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands-
  - General use and occupancy, 13.17(e)(1), (2)
  - Commercial fishing, 13.17(e)(3)
  - Subsistence-exclusive use, 13.17(e)(4)(i)
  - Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, 13.17(e)(7)
  - Cabins otherwise authorized by law, 13.17(e)(8)
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, 13.44(a)
- Using aircraft access for subsistence activities in the Park, 13.45(a), 13.45(b)(1), 13.73(a)(3)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.49(a)(1)
  - Does not apply to KEFJ, KLGO, SITK
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood**

Superseded by 13.20(c)(4), 13.20(d), and 13.49(b).

**2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue**

No designated areas or conditions.

See 13.73(b) for Kennecott Mines National Historic Landmark.

**2.1(b) Designated trails**

No restrictions on walking or hiking.

**2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions**

Superseded by 13.20(c) and 13.49(b).

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas**

See also 13.21(d)(5).

**2.2(e) Designated areas for wildlife viewing with artificial light**

No areas designated for closure.

**2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe**

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

**2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks**

All areas are designated as open for fishing from motor road bridges and boat docks.

**2.4 (a)(2)(i) Carrying, using, or possessing weapons at designated locations and times**

See also 13.19(b)-(f).

**2.10(a) Camping: conditions and permits**

Superseded in part by 13.18(a).

See also 13.73(b) for conditions specific to Kennecott Mines National Historic Landmark (KNHL) and the mill site within KNHL.

**2.10(d) Food storage: designated areas and methods**

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation

(<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and

- Items approved by the Superintendent.

A bear resistant section or container is securable and constructed in such a manner and of material capable of preventing access by a brown or black bear. Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured by Garcia Machine, Wild Ideas, or Purple Mountain Engineering)
- steel drums with locking rings
- modified military ammo cans or bear resistant metal panniers
- metal raft dry boxes

(2) Throughout the park, all food (except legally taken game) and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.
- Food carried by persons climbing or traveling above the firm line on snow covered terrain.

*The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers with a refundable deposit and can be picked up at the park's visitor center in Copper Center, AK.*

## **2.11 Picnicking: designated areas**

Superseded by 13.18(b).

## **2.13(a)(1) Fires: designated areas and conditions**

Campfires and picnic fires are authorized in all areas of the park and preserve except the Headquarters/Visitor Center Developed Area and the mill site within the Kennecott



National Historic Landmark. See 13.73(b), (c). Where fires are permitted, all trash (tin foil, burn food, glass, and cans) must be removed from the fire site after use.

**2.14(a)(2) Sanitation and refuse: conditions using government receptacles**

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

**2.14(a)(5) Sanitation: designated areas for bathing and washing**

No designated areas. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.

**2.14(a)(7) Sanitation: designated areas for disposal of fish remains**

There are no designated areas.

*Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.*

**2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas**

There are no designated areas or methods.

*Disposing of human body waste within 100 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail is prohibited.*

**2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste**

No special conditions have been established.

**2.15(a)(1) Areas designated as closed to pets**

No designated areas. Pets must be leashed or physically restrained at all times.

**2.15(a)(3) Conditions for leaving pets unattended and tied to an object**

No conditions at present.

*Leaving pets unattended and tied to an object is prohibited.*

**2.15(a)(5) Pet excrement disposal conditions**

No conditions at present.

**2.15(b) Conditions for using dogs in support of hunting activities**

No conditions at present.

**2.16 (a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

**2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

Use of aircraft in national parks or monuments for subsistence purposes is prohibited under 36 CFR 13.45, except in Malaspina Forelands. See section 13.73(a)(3) of this document.

**2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas**

No areas prohibited.

**2.17(c)(1) Conditions for removing downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii).

**2.18(c) Snowmobiles: designated areas for use**

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c).

Superseded by 36 CFR 13.46 for subsistence uses.

**2.19(a) Winter activities on roads and in parking areas: designated areas**

This section only applies to designated roads and parking areas open to vehicular traffic.

This section is not applicable in Wrangell-St. Elias National Park and Preserve.

**2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes**

All areas of the park are open to towing.

**2.20 Skating and skateboards**

Superseded by 43 CFR 36.11(e).

**2.21 Smoking**

All park offices and visitor facilities are closed to smoking.

Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

*These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.*

**2.22 Property: leaving property unattended for longer than 24 hours**

Superseded by 13.22.

**2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption**

No areas designated as closed.

**2.38(b) Fireworks: permits, designated areas, and conditions**

No areas designated for use of fireworks.

**2.51(e) Public assemblies/meetings: designated areas for public assemblies**

Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views may be allowed within the Wrangell-St.Elias National Park/Preserve (WRST) Headquarters/Visitor Center complex, provided a permit has been issued by the Superintendent. The designated location for such activities is the area under and adjacent to the bus shelter located on the south side of the visitor parking area. This is the only area designated by the superintendent for such activities in the WRST Headquarters/Visitor Center complex. A map marking this designated location will be attached to the permit and is also available in the office of the Superintendent. All other areas of the Park and Preserve are open to public assemblies with a permit from the Superintendent.

**2.52(e) Sale and distribution of printed matter: areas designated for such use**

All areas of the Park and Preserve are open to distribution with a permit from the superintendent.

**2.60(a)(3) Designated areas for grazing**

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit within the Park and Preserve. Any feed brought in must be “weed-free.” Grazing in support of commercial operations is only allowed under permit from the superintendent.

*These restrictions seek to lessen the impact of extended camps on vegetation.*

**2.62(b) Memorialization: designation of areas for scattering ashes**

All areas are open to scattering of ashes without a permit.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.6(i) Boating, prohibited operations: designated launching areas**

All areas of the Park and Preserve are open to launching of boats.

**3.6(l) Operating a vessel in excess of designated size**

No maximum size designations at present.

**3.20(a) Water skiing: designated waters**

All waters are designated as open.

**3.21(a)(1) Swimming and bathing: areas designated as closed**

All areas are open to swimming and bathing.

**3.23(a) SCUBA and snorkeling: designated conditions in swimming, docking, and mooring areas**

No conditions established at present.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.10 Routes or areas designated for off-road motor vehicle use in Preserves**

See also 13.21(c) regarding the Malaspina Glacier Forelands, 13.46 for subsistence access, and 43 CFR 36.11(g) for recreational access

*This restriction minimizes the impacts of vehicle travel while allowing for access.*

**4.11(a) Load weight and size limits: permit requirements and restrictive conditions**

No restrictions at present.

**4.21(b)-(c) Speed limits: designation of a different speed limit**

No designations necessary at present.

**4.30(a) Routes designated as open to bicycles**

Superseded by 43 CFR 36.11(e).

**4.30(d)(1) Wilderness closed to bicycle use**

Superseded by 43 CFR 36.11(e).

**4.31 Hitchhiking: designated areas**

All areas are open to hitchhiking.

**PART 5. COMMERCIAL AND PRIVATE OPERATIONS**

**5.7 Construction of buildings, roads, trails, airstrips, or other facilities**

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

**PART 13. ALASKA REGULATIONS**

**SUBPART A – PUBLIC USE AND RECREATION**

**13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked**

No conditions established at present (may require access permit).

**13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

No designations at present. All subsistence use requires permit from superintendent.

**13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually**

No conditions or standards established at present.

**13.17(e)(5)(i) Designated cabins or other structures for general public use**

Esker Creek: Reservations are needed for Esker Creek Cabin. Reservations may be made in advance through the Yakutat Ranger Station (907)784-3295.

Glacier Creek

Jakes Bar

Nuggett Creek

Peavine 1

Peavine 2

May Creek

Orange Hill

Too Much Johnson

Solo Mountain

Chelle Lake

Huberts Landing

Viking Lodge: Reservations are needed for Viking Lodge. Reservations may be made in advance through the Slana Ranger Station (907) 822-5238.

All other cabins, not otherwise under NPS permit, are open for short-term public use (less than 14 days per year).

**13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins**

Other than Viking Lodge and Esker Creek cabins, cabins listed may be occupied on a first come, first serve basis.

**13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility used in excess of 14 days**

Individuals must remove facility, all personal property, and return the site to its natural condition.

*These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.*

**13.18(a)(1) Temporary closures and restrictions to camping**

Camping is restricted at and adjacent to the information kiosk and spur road on the north side of the McCarthy Road at mile 59. Camping is prohibited from April 15 through October 15.

*The restriction is necessary because of the danger presented to the camping public by human habituated bears. The campground is located in a bear corridor and adjacent to a large soap berry patch. Bear research has confirmed that bear encounters are unavoidable and that the bears tend to be accustomed to humans and to associate*

*humans' with food. The risk to campers from both black and brown bears is unacceptably high. Private fee campgrounds are available in the immediate area.*

**13.18(a)(2) Site time limits: authorization to exceed 14 day limit at one location**

No general exceptions at present.

**13.18(a)(3) Designated campgrounds: restrictions, terms, and conditions**

See also 13.73(b)(4), (c)(2).

**13.18(b) Picnicking-areas where prohibited or otherwise restricted**

No restrictions at present.

**13.19(b) Temporary closures or restrictions to carrying, possessing, or using firearms**

There are no additional restrictions.

**13.20(d) Collection of dead standing wood: areas designated as open and conditions for collection**

No designated areas at present.

**13.20(f)(1) Natural features: size and quantity restrictions for collection**

No restrictions at present.

**13.20(f)(2) Natural features: closures or restrictions due to adverse impacts**

No closures or restrictions at present.

**13.21(c) Restrictions on activities related to commercial fishing rights or privileges**

No restrictions at present.

**13.21(e) Temporary closures or restrictions to the taking of fish and wildlife**

No closures at present. See applicable State of Alaska hunting regulations. Sport hunting is prohibited in Wrangell-St. Elias National Park. See 50 CFR 100.26 for applicable subsistence hunting regulations.

**13.22(b)(1)-(6) Exceptions to unattended or abandoned property**

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

**13.22(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored**

No designated areas.

**13.30(h) Facility closure and restrictions**

No restrictions at present.

## **SUBPART B – SUBSISTENCE**

### **13.46 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses**

The following three routes are closed to the use of ORVs. The closures are centered on the three trails described and extend 1,000 feet to either side of each trail.

- Trail #1 has end points on the south side of The Sportsmen's Paradise Lodge property and northeast end of Jack Lake.
- Trail #2 has end points on the Jack Lake road and the Tanada Lake trail, and, from that intersection of the Tanada lake trail along an eastern parallel route of the main trail to a second intersection further south on the Tanada Lake trail.
- Trail #3 has end points on the Tanada Lake trail and the Copper Lake trail.

This closure is a seasonal closure in effect only during summer months. During winter periods in which there is 6-12 inches of snow or more, or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil, these areas will be open to over snow vehicles. This closure will be in effect until a determination by the Superintendent concludes that these routes no longer represent an unacceptable adverse impact on the resource.

*The Superintendent has determined that Trails #1, #2, and #3 are causing an unacceptable adverse impact on the resource. A map depicting these trails may be viewed on the park's web site or a physical copy can be obtained from the Superintendent upon request. This closure will be in effect until a determination by the Superintendent concludes that these routes no longer represent an unacceptable adverse impact on the resource.*

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30, 13.21(c) and 43 CFR 36.11(c)-(e).

### **13.49(a)(1) Permit specifications for harvesting live standing timber greater than 3" diameter for subsistence purposes (house logs & firewood)**

See policy statement on subsistence green wood harvest.

### **13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes**

No restrictions at present.

## **SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS**

### **13.73(a)(2) Aircraft access for residents of Yakutat to Malaspina Forelands**

The Malaspina Forelands are defined as: those areas that are to the seaward side of the Malaspina Glacier that not covered by ice and that lie between Bancas Point in Disenchantment Bay and the Park boundary on the Chaix Hills.

*These areas are available for aircraft access under a permit issued by the Superintendent for residents of Yakutat that are Federally qualified for subsistence in Wrangell-St. Elias National Park and Preserve.*

**13.73(e) Kennecott Mines National Historic Landmark and developed areas: closures and restrictions**

Discharging a firearm on federal lands from May 1 through September 30 within the mill site as defined in 13.73(b)(4) is prohibited unless required for defense of life or property.

**43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**

**36.11(c) Temporary closures to the use of snowmachines for traditional activities**

No closures at present.

See also 2.18.

**36.11(d) Temporary closures to the use of motorboats**

No closures at present.

See also 3.3, 3.6.

**36.11(e) Temporary closures to the use of non-motorized surface transportation**

No closures at present.

See also 2.16, 3.3, 3.6.

**36.11(f)(1) Temporary closures to landing fixed-wing aircraft**

No closures at present.

**36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft**

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

**36.11(g)(2) Use of off-road vehicles (ORV) on existing trails**

ATVs may be operated on existing trails pursuant to a permit issued under 43 CFR 36.11(g)(2). Existing trails where ATV may be operated are shown on a map available at park headquarters in Copper Center or the Slana Ranger Station. Pneumatic tired vehicles and tracked vehicles are authorized. Recreational ATVs may not be operated in designated wilderness. These designations and restrictions do not apply to subsistence use of ATV traditionally used for subsistence activities.

*This restriction will minimize the impacts of vehicle travel in the park while allowing for access.*



See also 13.21(c) regarding the Malaspina Glacier Foreland and 13.46 for subsistence access.

**This compendium is approved and rescinds all previous compendiums issued for Wrangell-St. Elias National Park and Preserve.**

**Please note the attachments and appendices below.**

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**Superintendent**

**Date**

**List of Attachments**

1. Wrangell-St. Elias Subsistence Green Log Policy

**Appendix**

1. Map of area closed to camping near mile 59 McCarthy Rd.
2. Map of trails closed to ORV traffic near Jack, Tanada, and Copper lakes.

March 9, 2005

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 2.10 (d), the Superintendent of Wrangell-Elias National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the parklands. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife/human conflict and impacts.
2. Recognizing that variations in the environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:

- Park supplied bear resistant food storage containers (BRFC) are available at park headquarters.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.
  4. The food storage conditions imposed under this section allow for a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
  5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84-5 AAC 92.

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
  - If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

Signed:

Jed Davis  
Superintendent

March 13, 2006

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Firearms discharge

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 13.73(e), the Superintendent of Wrangell-Elias National Park and Preserve has determined that in order to protect public safety, discharging a firearm on federal lands within the mill site in KNHL during peak visitor season is prohibited.

The reasons for this restriction are as follows:

After review and consideration of the need for annual updates, the park is proposing one change relating to public safety.

**13.73(e) Kennecott Mines National Historic Landmark and developed areas: closures and restrictions**

Discharging a firearm on federal lands from May 1 through September 30 within the mill site as defined in 13.73(b)(4) is prohibited unless required for defense of life or property.

The reasons for this restriction are as follows:

- Due to the increasing visitation numbers, the proximity of the Kennicott Glacier Lodge and other highly frequented visitor facilities, and the nature of the park reconstruction efforts at Kennecott, discharging firearms poses a serious public safety concern.

The reasons less restrictive measures will not be effective are as follows:

- The community of Kennecott is unincorporated and has no local formal government that could address the unsafe discharge of firearms within the concentrated visitor use of the Mill Site.
- Although State law prohibits hunters from shooting from or across roadways, the roadways within Kennecott are small, and the nature of use in the area would continue to place people at risk. Visitors, local residents, local workers, and NPS staff conduct most of their activities in and around the buildings and structures of the area, and not on roadways.
- The restriction will only be in place on federal lands in the mill site and only during summer months. During this time, there are higher concentrations of visitors, summer residents, and employees in this particular area which elevates safety concerns over the discharge firearms in this area.
- Any subsistence hunting activity that does not require the discharge of a firearm within this limited area would not be affected by this proposed restriction.

Signed:

Jed Davis  
Superintendent